IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 30TH NOVEMBER 2006 / 9TH AGRAHAYANA 1928

Bail Appl..No. 7052 of 2006()

CRIME NO.257/96 OF PERAMBRA POLICE STATION
CP.28/2006 of J.M.F.C.,PERAMBRA

.....

PETITIONER/ACCUSED NO.3:

AMMED MOULAVI,
S/O.KOYOTTI, AGED 35 YEARS, NAMBIDAM VEETTIL,
ERAVATTOOR AMSOM, EDAVARAD DESOM, PERAMBRA,
KOZHIKODE DISTRICT.

BY ADV. SRI.SUNNY MATHEW

RESPONDENT: COMPLAINANT:

STATE OF KERALA THROUGH THE
SUB INSPECTOR OF POLICE,
PERAMBRA POLICE STATION, REPRESENTED BY THE
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 30/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V.RAMKUMAR, J.

B.A.No. 7052 OF 2006

DATED THIS THE 30th DAY OF NOVEMBER, 2006

O R D E R

Petitioner, who is the 3rd accused in Crime No.257/96 of Perambra Police Station for offences punishable under sections 143, 147, 148, 450, 324, 427, 109, 120B and 307 read with section 149 IPC, seeks anticipatory bail.

2. Consequent on his non-appearance before the J.F.C.M., Perambra, non-bailable warrant of arrest is pending against the petitioner. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. The case against the petitioner is now pending before the said court as C.P.No.28/06. There is no reason why the petitioner should not surrender before the Magistrate and seek regular bail. Accordingly, if the petitioner surrenders before the committal court and files an application for regular bail, within 10 days from toady, the same shall be considered and disposed of, preferably on the same date on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance.

With this observation, this application is dismissed.

V.RAMKUMAR, JUDGE

dsn